

**REMARKS**

Claims 1-3 and 5-11 remain in the application. Claim 4 has been cancelled. Claims 1 and 5 have been amended. Claim 1 is in independent form.

1-2. Claims 1-2, 6, and 9-11 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Porsche. Applicants respectfully traverse the rejection.

Porsche discloses a detachable roof 7 extending between a windshield frame 2 and a roll yoke 6. The windshield frame 2 includes a box girder 12 including sheet metal parts 10, 11, 13 forming a U-shaped channel. A transverse edge 16 of the roof 7 is engaged within the U-shaped channel. The edge 16 is provided with an elastic member 18 disposed within the channel to form a water tight seal. The roof 7 also includes a reinforcing member 25 to which is mounted an elastic connecting member 26 with dependent part 27 having a clamping fastener 28. A second clamping member 29 is secured to the roll yoke 6 and cooperates with the clamping fastener 28. In one embodiment, the detachable roof 7 is a synthetic material roof having two sections 46, 47. The two roof sections 46, 47 are connected to each other by foldable linkages 52, 53.

In response, Applicants have amended claim 1 of the above-captioned application to clarify the invention. More specifically, amended claim 1 includes the limitation of a front retainer having an inwardly extending transverse slot all along an outer edge for receiving a front edge of a fabric sheet, and a rear retainer having an inwardly extending transverse slot all along an outer edge for receiving a rear edge of a fabric sheet.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. Of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 053 (Fed. Cir. 1987). Porsche does not disclose a front retainer having an inwardly extending transverse slot all along an outer edge for receiving a front edge of a fabric sheet, as required by amended claim 1 of the above-captioned application. In Porsche, the transverse edge 16 of the roof 7 is provided with the elastic member 18 and fits within a U-shaped channel formed in the windshield frame 2. Thus, it is clear that there is no slot formed in the transverse edge 16 of the roof 7 for receiving an edge of a fabric sheet in Porsche.

Porsche also does not disclose a rear retainer having an inwardly extending transverse slot all along an outer edge for receiving a rear edge of a fabric sheet, as required by amended claim 1 of the above-captioned application. In Porsche, the dependent part 27 having the clamping fastener 28 is mounted to the reinforcing member 25. The clamping fastener cooperates with the second clamping member 29. Neither of the reinforcing member 25, dependent part 27, or clamping fastener 28 of the roof 7 in Porsche includes a slot for receiving an edge of a fabric sheet.

In light of the arguments set forth above, it is clear that each and every element set forth in amended claim 1 of the above-captioned application is not found in Porsche.

Therefore, it is respectfully requested that the rejection of independent claim 1, and dependent claims 2, 6, and 9-11 depending therefrom, under 35 U.S.C. § 102(b) as being anticipated by Porsche be withdrawn.

Claims 3-5 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Porsche in view of Russian Document 884624. Applicants respectfully traverse the rejection.

Claim 3 depends from independent claim 1 and as such, is construed to incorporate by reference all of the limitations of the claim to which it refers, *see* 35 U.S.C. § 112, fourth paragraph. Claim 1, as amended, includes the limitations of a front retainer having an inwardly extending transverse slot all along an outer edge for receiving a front edge of a fabric sheet, and a rear retainer having an inwardly extending transverse slot all along an outer edge for receiving a rear edge of a fabric sheet. Therefore, claim 3 the limitations of a front retainer having an inwardly extending transverse slot all along an outer edge for receiving a front edge of a fabric sheet, and a rear retainer having an inwardly extending transverse slot all along an outer edge for receiving a rear edge of a fabric sheet

“To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable

expectation of success must both be found in the prior art, and not be based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)" [MPEP § 2142; 8<sup>th</sup> Edition, Rev. 2, May 2004, Pg. 2100-128].

Applicants respectfully submit that the cited references do not provide any teaching, suggestion, or motivation to a skilled artisan for a front retainer having an inwardly extending transverse slot all along an outer edge for receiving a front edge of a fabric sheet, and a rear retainer having an inwardly extending transverse slot all along an outer edge for receiving a rear edge of a fabric sheet.

In Porsche, the transverse edge 16 of the roof 7 is provided with the elastic member 18 and fits within a U-shaped channel formed in the windshield frame 2. There is no disclosure of a transverse slot in the transverse edge 16. Also in Porsche, the reinforcing member 25 is coupled to the dependent part 27 having the clamping fastener 28. The clamping fastener 28 cooperates with the second clamping member 29, which is secured to the yoke 6. There is no disclosure of a transverse slot formed along any of the reinforcing member 25, the dependent part 27, and the clamping fastener 28. The Russian document discloses a compression lace that may be inserted into a slot. The cited references, taken individually or in combination, do not, however, teach or suggest a front retainer having an inwardly extending transverse slot all along an outer edge for receiving a front edge of a fabric sheet, and a rear retainer having an inwardly extending transverse slot all along an outer edge for receiving a rear edge of a fabric sheet.

Therefore, Applicants respectfully request that the rejection of claims 3 and 5 under 35 U.S.C. § 103(a) as being unpatentable over Porsche in view of the Russian document 884624 be withdrawn.

Claims 7 and 8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Porsche. Applicants respectfully traverse the rejection.

Claim 7 of the above-captioned application depends from claim 1 and, as such, is construed to incorporate by reference all of the limitations of the claim to which it refers, *see* 35 U.S.C. § 112, fourth paragraph. Claim 1, as amended, includes the limitations of a front retainer having an inwardly extending transverse slot all along an outer edge for receiving a front edge of a fabric sheet, and a rear retainer having an inwardly extending transverse slot all along an outer edge for receiving a rear edge of a fabric sheet.

Porsche does not provide any teaching, suggestion, or motivation for a front retainer having an inwardly extending transverse slot all along an outer edge for receiving a front edge of a fabric sheet. In Porsche, the transverse edge 16 of the roof 7 is provided with the elastic member 18 and fits within a U-shaped channel formed in the windshield frame 2. There is no disclosure of a transverse slot in the transverse edge 16. Moreover, Porsche does not provide any suggestion or motivation for providing such a transverse slot in the transverse edge to accommodate the roof section 46.

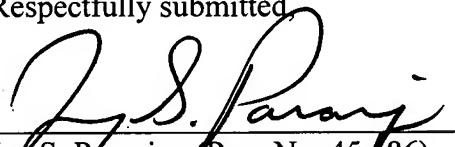
Porsche also does not provide any teaching, suggestion, or motivation for a rear retainer having an inwardly extending transverse slot all along an outer edge for receiving a rear edge of

a fabric sheet. In Porsche, the reinforcing member 25 is coupled to the dependent part 27 having the clamping fastener 28. The clamping fastener 28 cooperates with the second clamping member 29, which is secured to the yoke 6. There is no disclosure of a transverse slot formed along any of the reinforcing member 25, the dependent part 27, and the clamping fastener 28. Moreover, Porsche does not provide any suggestion or motivation for providing such a transverse slot in either of the reinforcing member 25, the dependent part 27, and the clamping fastener 28 to accommodate the roof section 47.

Therefore, it is respectfully requested that the rejection of claims 7 and 8 under 35 U.S.C. § 103(a) as being unpatentable in view of Porsche be withdrawn.

It is respectfully submitted that this patent application is in condition for allowance, which allowance is respectfully solicited. If the Examiner has any questions regarding this amendment or patent application, the Examiner is invited to contact the undersigned.

Respectfully submitted,

  
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